

Message Text

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ACTION ARA-10

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FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 9719

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E.O. 11652: N/A
TAGS: SHUM, PINT, DR
SUBJ: PRESTIGIOUS SANTO DOMINGO DAILY COMMENTS ON ARREST OF
JOSE FRANCISCO PENA GOMEZ

REF: SANTO DOMINGO 693

FOLLOWING IS THE TEXT, IN INFORMAL TRANSLATION, OF AN EDITORIAL
APPEARING IN THE FEB 16 EDITION OF LISTIN DIARIO, ONE OF SANTO
DOMINGO'S MOST PRESTIGIOUS AND RESPONSIBLE DAILY NEWSPAPERS.
IT WAS EVIDENTLY WRITTEN BY ITS EDITOR, RAFAEL HERRERA, WIDELY
RESPECTED FOR HIS PERCEPTIVENESS AND OBJECTIVITY.

BEGIN QUOTE: WE WISH TO REITIERATE OUR CONVICTION, ALREADY EXPRESSED
EDITORIALLY ON MONDAY, THAT IN THE CASE OF THE JUDICIAL PROCEDURE
AGAINST THE SECRETARY GENERAL OF THE PRD, DR JOSE FRANCISCO PENA
GOMEZ, THERE HAVE BEEN NEITHER EXCESSES NOR DENIAL OF RIGHTS.
THIS SPEAKS WELL FOR THE JUSTICE AND POLICE OFFICERS WHO TOOK
ACTION IN THE CASE.

ALSO DESERVING OF PRAISE ARE THE ARMED FORCES WHICH
FILED A JUDICIAL COMPLAINT ACCORDING TO CIVILIZED NORMS, WHICH
ARE FREQUENTLY FORGOTTEN BY DOMINICANS.

AND DR PENA GOMEZ DESERVES PRAISE ALSO FOR HAVING
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ACKNOWLEDGED PUBLICLY HIS HASTE AND ERROR IN MAKING AN
ACCUSATION BASED ON UNFOUNDED INFORMATION.

ERRORS OF PROCEDURE HAVE BEEN CITED BECAUSE THE
DISTRICT ATTORNEY ORDERED THE ARREST OF PENA GOMEZ. ACCORD-
ING TO JURISTS, NOT AN ARREST BUT AN ORDER OF CONVEYANCE WAS
IN ORDER WHEN PENA REFUSED TO APPEAR BEFORE THE DISTRICT

ATTORNEY AND ONCE THE ACCUSATION WAS MADE HE SHOULD HAVE BEEN FREED. PENA GOMEZ WAS FREED BY MEANS OF A RAPID GRANTING OF BAIL.

THIS SHOWS THAT THERE WASN'T ANY INTEREST IN IMPRISONING PENA GOMEZ.

PROCEDURAL ERROR IS COMMON IN ALL JUDICIAL SYSTEMS, AND THAT'S WHAT LAWYERS ARE FOR.

WE POINT OUT THESE CIRCUMSTANCES IN ORDER TO REITERATE OUR PREVIOUS EDITORIAL AFFIRMATION OF WHAT HAS BEEN SO FAR A CIVILIZED PROCEDURE.

THE ARMED FORCES AS WELL HAVE OBTAINED REDRESS AS MUCH BY DR PENA GOMEZ' RECTIFICATION AS BY PUBLIC OPINION.

WE BELEIVE THAT MORALLY THERE CANNOT BE DEFAMATION WHEN AN ACCUSATION OR CHARGE AGAINST A PERSON OR AN INSTITUTION HAS NOT BEEN ACCEPTED BY THE PUBLIC AND THE PERSON WHO DID THE DENOUNCING HAS MADE A FULL RECTIFICATION.

WE REITERATE THAT WE MAKE THESE STATEMENTS TO REPEAT OUR REQUEST THAT THE ARMED FORCES ABANDON THEIR COMPLAINT.

THEIR CONDUCT HAS BEEN FULLY VINDICATED, AS MUCH BY THE ACCUSED (I.E., PENA) AS BY PUBLIC OPINION.

IT IS ALSO ALMOST A TRADITION IN OUR COUNTRY THAT MOST OF UNCLASSIFIED

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THE JUDICIAL CASES WHERE THE LAW OF EXPRESSION AND DIFFUSION OF THOUGHT HAS BEEN INVOKED HAVE ENDED IN FRIENDLY AGREEMENTS THROUGH WITHDRAWALS OF COMPLAINTS, WITHDRAWALS THAT CAN COME ABOUT IN ANY STAGE OF THE LEGAL PROCEEDING, ACCORDING TO JURISTS.

SO FAR, WE AFFIRM EVERYTHING HAS DEVELOPED IN A CIVILIZED WAY. THIS PROCESS COULD WELL END AS AN EXEMPLARY DEMONSTRATION OF NATIONAL CONCORD. END QUOTE.
HURWITCH

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